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13 *Attorneys for Mark Sanders and Westpoint Harbor, LLC*

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15
16 SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

17
18 IN THE MATTER OF:

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20 VIOLATION REPORT/COMPLAINT FOR THE
21 IMPOSITION OF ADMINISTRATIVE CIVIL
22 PENALTIES No. ER2010.013

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24 MARK SANDERS AND
25 WESTPOINT HARBOR, LLC
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DECLARATION OF KEVIN VICKERS

1 I, Kevin Vickers, declare the following:

- 2 1. Exhibit 18 attached to the Statement of Defense (the “Statement”) (filed on behalf of
3 Mark Sanders and Westpoint Harbor, LLC in the matter of *Violation Report/Complaint*
4 *for the Imposition of Administrative Civil Penalties No. ER2010.013 Mark Sanders and*
5 *Westpoint Harbor, LLC*) is an accurate copy of the letter sent by Marc Zeppetello dated
6 September 12, 2017.
- 7 2. Statement Exhibit 5 is an accurate copy of the document I received from San Francisco
8 Bay Conservation and Development Commission (“BCDC”) staff in response to the
9 August 7, 2017 written request, made on behalf of Mark Sanders and Westpoint Harbor,
10 LLC, to BCDC for relevant records pursuant to the California Public Records Act (the
11 “CPRA request”). An accurate copy of the CPRA request is included in Statement
12 Exhibit 14.
- 13 3. Statement Exhibit 20 is an accurate copy of the document I received from BCDC staff in
14 response to the CPRA request.
- 15 4. Statement Exhibit 9 is an accurate copy of the document I received from BCDC staff in
16 response to the CPRA request.
- 17 5. Statement Exhibit 3 is an accurate copy of the document I downloaded from the BCDC
18 website (http://www.bcdc.ca.gov/planning/reports/salt_ponds.pdf).
- 19 6. Statement Exhibit 48 is an accurate copy of the document I received from BCDC staff in
20 response to the CPRA request.
- 21 7. Statement Exhibit 104 is an accurate copy of the photograph I took during my inspection
22 of BCDC records in response to the CPRA request.

- 1 8. Statement Exhibit 86 is an accurate copy of the document I received from BCDC staff in
2 response to the CPRA request.
- 3 9. Statement Exhibit 35 is an accurate copy of the document I received from BCDC staff in
4 response to the CPRA request.
- 5 10. Statement Exhibit 37 is an accurate copy of the document I received from BCDC staff in
6 response to the CPRA request.
- 7 11. Statement Exhibit 73 is an accurate copy of the document I received from BCDC staff in
8 response to the CPRA request.
- 9 12. Statement Exhibit 22 is an accurate copy of the document I received from BCDC staff in
10 response to the CPRA request.
- 11 13. Statement Exhibit 126 is an accurate copy of the document I received from BCDC staff
12 in response to the CPRA request.
- 13 14. Statement Exhibit 13 is an accurate copy of the Enforcement Committee Meeting
14 transcript I downloaded from the BCDC website
15 (<http://www.bcdc.ca.gov/enforcement/20161020Transcript.pdf>).
- 16 15. Statement Exhibit 71 is an accurate copy of the document I received from BCDC staff in
17 response to the CPRA request.
- 18 16. Statement Exhibit 127 is an accurate copy of the document I received from BCDC staff
19 in response to the CPRA request.
- 20 17. Statement Exhibit 129 is an accurate copy of emails between Chris Carr and Marc
21 Zeppetello, which I was copied on.
- 22 18. Statement Exhibit 130 is an accurate copy of emails between Chris Carr and Marc
23 Zeppetello, which I was copied on.

- 1 19. Statement Exhibit 131 is an accurate copy of emails between Chris Carr and Marc
2 Zeppetello, which I was copied on.
- 3 20. Statement Exhibit 15 is an accurate copy of the Complaint filed on behalf of Mark
4 Sanders and Westpoint Harbor, LLC.
- 5 21. Statement Exhibit 133 is an accurate copy of the document I received from BCDC staff
6 in response to the CPRA request.
- 7 22. Statement Exhibit 128 is an accurate copy of the document I received from BCDC staff
8 in response to the CPRA request.
- 9 23. Statement Exhibit 47 is an accurate copy of the document I received from BCDC staff in
10 response to the CPRA request.
- 11 24. Statement Exhibit 119 is an accurate copy of the document I received from BCDC staff
12 in response to the CPRA request.
- 13 25. Statement Exhibit 39 is an accurate copy of the document I downloaded from the Bay
14 Trail website ([http://baytrail.org/mwg-internal/de5fs23hu73ds/progress?id=aeDz18nvr](http://baytrail.org/mwg-internal/de5fs23hu73ds/progress?id=aeDz18nvr03QxIarkqiqftO7j9TcyDarlYB33Zc66s0baytrail.org/pdfs/BayTrailDGTK_082616_Web.pdf)
15 [03QxIarkqiqftO7j9TcyDarlYB33Zc66s0baytrail.org/pdfs/BayTrailDGTK_082616_Web.](http://baytrail.org/mwg-internal/de5fs23hu73ds/progress?id=aeDz18nvr03QxIarkqiqftO7j9TcyDarlYB33Zc66s0baytrail.org/pdfs/BayTrailDGTK_082616_Web.pdf)
16 [pdf](http://baytrail.org/mwg-internal/de5fs23hu73ds/progress?id=aeDz18nvr03QxIarkqiqftO7j9TcyDarlYB33Zc66s0baytrail.org/pdfs/BayTrailDGTK_082616_Web.pdf)).
- 17 26. Statement Exhibit 87 is an accurate copy of the document I received from BCDC staff in
18 response to the CPRA request.
- 19 27. Statement Exhibit 36 is an accurate copy of the document I received from BCDC staff in
20 response to the CPRA request.
- 21 28. Statement Exhibit 14 is an accurate copy of the CPRA request and emails between me,
22 Chris Carr, Marc Zeppetello, and others.

- 1 29. Statement Exhibit 7 is an accurate copy of the document I received from BCDC staff in
2 response to the CPRA request.
- 3 30. Statement Exhibit 46 is an accurate copy of the document I received from BCDC staff in
4 response to the CPRA request.
- 5 31. Statement Exhibit 132 is an accurate copy of the document I received from BCDC staff
6 in response to the CPRA request.
- 7 32. Statement Exhibit 2 is an accurate copy of the document I received from BCDC staff in
8 response to the CPRA request.
- 9 33. Statement Exhibit 6 is an accurate copy of the document I downloaded from an archived
10 version of the BCDC website ([https://web.archive.org/web/20031223133420/
11 http://www.bcdc.ca.gov:80/nam/comm/2003/20030717cm.htm](https://web.archive.org/web/20031223133420/http://www.bcdc.ca.gov:80/nam/comm/2003/20030717cm.htm)).
- 12 34. Statement Exhibit 8 is an accurate copy of the document I received from BCDC staff in
13 response to the CPRA request.
- 14 35. Statement Exhibit 4 is an accurate copy of the document I downloaded from the
15 Bellingham Marine Website ([https://www.bellingham-marine.com/documents/
16 Westpoint_Harbor_Marina.pdf](https://www.bellingham-marine.com/documents/Westpoint_Harbor_Marina.pdf)).
- 17 36. Statement Exhibit 85 is an accurate copy of the document I received from BCDC staff in
18 response to the CPRA request.
- 19 37. Statement Exhibit 51 is an accurate copy of pages I downloaded from several marina
20 websites.
- 21 38. Statement Exhibit 23 is an accurate copy of the document I received from BCDC staff in
22 response to the CPRA request.

- 1 39. Statement Exhibit 17 is an accurate copy of the document originally provided as
2 Administrative Record Document 14.
- 3 40. Statement Exhibit 40 is an accurate copy of the document I received from BCDC staff in
4 response to the CPRA request.
- 5 41. Statement Exhibit 134 is an accurate copy of the documents I downloaded from BCDC's
6 website ([http://www.bcdc.ca.gov/enforcement/Point-Buckler/Bazel-Declaration-](http://www.bcdc.ca.gov/enforcement/Point-Buckler/Bazel-Declaration-Exhibits.pdf)
7 Exhibits.pdf).
- 8 42. Statement Exhibit 77 is an accurate copy of the photograph I downloaded from Google
9 Maps Street View (www.google.com/maps).
- 10 43. Statement Exhibit 105 is an accurate copy of the photograph I took during my inspection
11 of BCDC records in response to the CPRA request.
- 12 44. Statement Exhibit 70 is an accurate copy of the document I downloaded from BCDC's
13 website (<http://www.bcdc.ca.gov/planning/SSSG.pdf>).
- 14 45. Statement Exhibit 76 is an accurate copy of photographs I received from BCDC staff in
15 response to the CPRA request.
- 16 46. Statement Exhibit 94 is an accurate copy of the photographs I downloaded from Google
17 Earth Pro (<https://www.google.com/earth/download/gep/agree.html>).
- 18 47. Statement Exhibit 19 is an accurate copy of the document I received from BCDC staff in
19 response to the CPRA request.
- 20 48. Statement Exhibit 112 is an accurate copy of photographs I received from BCDC staff in
21 response to the CPRA request.
- 22 49. Statement Exhibit 50 is an accurate copy of the document I received from BCDC staff in
23 response to the CPRA request.

- 1 50. Statement Exhibit 49 is an accurate copy of the document I received from BCDC staff in
2 response to the CPRA request.
- 3 51. Statement Exhibit 57 is an accurate copy of a photograph I received from BCDC staff in
4 response to the CPRA request.
- 5 52. Statement Exhibit 84 is an accurate copy of the document I received from BCDC staff in
6 response to the CPRA request.
- 7 53. Statement Exhibit 90 is an accurate copy of the document I received from BCDC staff in
8 response to the CPRA request.
- 9 54. Statement Exhibit 95 is an accurate copy of the document I received from BCDC staff in
10 response to the CPRA request.
- 11 55. Statement Exhibit 107 is an accurate copy of the document I received from BCDC staff
12 in response to the CPRA request.
- 13 56. Statement Exhibit 118 is an accurate copy of the document I received from BCDC staff
14 in response to the CPRA request.
- 15 57. Statement Exhibit 120 is an accurate copy of the document I received from BCDC staff
16 in response to the CPRA request.
- 17 58. Statement Exhibit 122 is an accurate copy of the document I received from BCDC staff
18 in response to the CPRA request.
- 19 59. Statement Exhibit 121 is an accurate copy of the document I received from BCDC staff
20 in response to the CPRA request.
- 21 60. Statement Exhibit 66 is an accurate copy of the document I received from BCDC staff in
22 response to the CPRA request.

- 1 61. Statement Exhibit 75 is an accurate copy of the document I received from BCDC staff in
2 response to the CPRA request.
- 3 62. Statement Exhibit 25 is an accurate copy of the document I received from BCDC staff in
4 response to the CPRA request.
- 5 63. Statement Exhibit 28 is an accurate copy of the document I received from BCDC staff in
6 response to the CPRA request.
- 7 64. Statement Exhibit 108 is an accurate copy of the document I received from BCDC staff
8 in response to the CPRA request.
- 9 65. Statement Exhibit 34 is an accurate copy of the document I received from BCDC staff in
10 response to the CPRA request.
- 11 66. Statement Exhibit 61 is an accurate copy of the document I received from BCDC staff in
12 response to the CPRA request.
- 13 67. Statement Exhibit 41 is an accurate copy of the document I received from BCDC staff in
14 response to the CPRA request.
- 15 68. Statement Exhibit 86 is an accurate copy of the document I received from BCDC staff in
16 response to the CPRA request.
- 17 69. Statement Exhibit 106 is an accurate copy of the document I received from BCDC staff
18 in response to the CPRA request.
- 19 70. Mark Sanders provided me three recordings of meetings that he states occurred between
20 he and BCDC staff and other individuals on December 13, 2012, May 23, 2013, and
21 August 21, 2013. I directed Baker Botts L.L.P. staff to send those recordings to TSG
22 Reporting, Inc. to be transcribed. Baker Botts L.L.P. staff did send those recordings to
23 TSG Reporting, Inc. In response, Baker Botts L.L.P. staff received three transcripts,

1 accurate copies of which are included with the Statement as Statement Exhibits 38, 24,
2 and 21.

3 I declare under penalty of perjury under the laws of the State of California that the
4 foregoing is true and correct:

5 October 19, 2017
6 San Francisco County
Date and Place


Kevin Vickers